3

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER SITE LITIGATION

THIS DOCUMENT APPLIES TO ALL LOWER MANHATTAN DISASTER SITE LITIGATION

USDC SDNY
DOCUMENT
F. ECTRONICALLY FILED
DOC #:
DATE FILED: \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
The second secon

21 MC 102 (AKH)

STIPULATION OF DISCONTINUANCE AND COURT ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the actions listed in "Schedule A" attached hereto, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled actions be, and the same hereby are discontinued without prejudice as against THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A., and as to the 130 Liberty Street locations only, without costs to either party as against the other.

IT IS FURTHER STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A., is a proper party to these suits, plaintiff may reinstitute these actions without regards to the applicable statute of limitations as a defense.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York December 14, 2007

> SEGAL McCAMBRIDGE SINGER & MAHONEY, LTD. Attorneys for The Bank of New York Mellon Corporation, as Successor to The Bank of New York Company, Inc., The Bank of New York, One Wall Street Holdings LLC 4101 Austin Blvd. Corporation, The Bank of New York

WORBY GRONER EDELMAN & NAPOLI BERN Attorneys for Plaintiff

By: Christian H. Gannon (CG-1621) 830 Third Avenue, Suite 400 New York, New York 10022 (212) 651-1500

Trust Company, N.A.

Christopher R. Lopalo, Esq. (CL-6466) 115 Broadway, 12th Floor: New York, New York 10006 (212) 267-3700

VIN K. HELLERSTEIN

## SCHEDULE A

STIPULATION AND ORDER OF DISMISSAL RELATED TO 130 LIBERTY STREET COMPLAINTS FOR THE FOLLOWING PLAINTIFFS:

	Plaintiff Name	Index # All (AKH)
1	Acosta, Byron	07CV1552
2	Adriano, Luis	07CV4445
3	Agudelo, Gladys	07CV4446
4	Ali, Enrique	07CV01554
5	Allivar, Raul	05CV9821
. 6	Alvarez, Maria	05CV10135
. 7	Alvarracin, Jose	07CV01556
8	Asencio, Ivan	07CV,1460
9	Atencia, Marcelo	07CV01562
10	Bailon, Peter B.	07CV05336
11	Barahona, Jose	07CV5550
12	Betancourt, Hector	07CV4453
13	Burgos, Leopoldo	07CV1473
14	Caguana, Manuel	06CV11968
15	Calero, Ivan	07CV1575
16	Calle, Wilson	07CV01578
17	Campoverde, Rey R.	07CV05280
18	Campozano, Rodrigo	07CV4459
19	Cardenas, Edison	07CV1580
20	Castillo, Silvia	05CV1718
21	Chuva, Nancy	07CV01589
22	Cintron, Yolanda	06CV5631
23	Cortez, Jorge E.	07CV05394
24	Criollo, Nancy	07CV4462
25	Dota, Clara	07CV01602
26	Drake, Jesse	07CV05353
27	Duarte, Inerva	07CV01603
28	Dutan, Elvia and Wilfredo	07CV1606
29	Encalada, Jorge	07CV1607
30	Franco, Luis	07CV4466

ì		

31       Frelas, Janina       07CV0161         32       Gallardo, Norberto       07CV0529         33       Garcia, Viviana       07CV1617         34       Gaspar, Peter       05CV1073         35       Giamo, Samuel T.       06CV1167         36       Giraldo, Hitien E.       07CV5554         37       Gualpa, Rosa       07CV4472         38       Guzman, Armando       07CV5556         39       Hernando, Avenia       07CV4473         40       Hurtado, Julio       07CV0529         41       Idrovo, Edgar       07CV1627         42       Idrovo, Manuel       07CV01627         43       Inga, Jorge       07CV01627         44       Jablonski, Jozef       07CV01637	90 7 7 39 76 4 2 5 3 95 7
33 Garcia, Viviana 07CV1617  34 Gaspar, Peter 05CV1073  35 Giamo, Samuel T. 06CV1167  36 Giraldo, Hitien E. 07CV5554  37 Gualpa, Rosa 07CV4472  38 Guzman, Armando 07CV5556  39 Hernando, Avenia 07CV4473  40 Hurtado, Julio 07CV0529  41 Idrovo, Edgar 07CV1627  42 Idrovo, Manuel 07CV0162	7 39 76 4 2 5 3 3 95 7
34       Gaspar, Peter       05CV1073         35       Giamo, Samuel T.       06CV1162         36       Giraldo, Hitien E.       07CV5554         37       Gualpa, Rosa       07CV4472         38       Guzman, Armando       07CV5556         39       Hernando, Avenia       07CV4473         40       Hurtado, Julio       07CV0529         41       Idrovo, Edgar       07CV1627         42       Idrovo, Manuel       07CV0162         43       Inga, Jorge       07CV0162	39 76 4 2 5 3 95 7
35       Giamo, Samuel T.       06CV1167         36       Giraldo, Hitien E.       07CV5554         37       Gualpa, Rosa       07CV4472         38       Guzman, Armando       07CV5556         39       Hernando, Avenia       07CV4473         40       Hurtado, Julio       07CV0529         41       Idrovo, Edgar       07CV1627         42       Idrovo, Manuel       07CV0162         43       Inga, Jorge       07CV0162	76 4 2 5 3 95 7
36 Giraldo, Hitien E. 07CV5554 37 Gualpa, Rosa 07CV4472 38 Guzman, Armando 07CV5556 39 Hernando, Avenia 07CV4473 40 Hurtado, Julio 07CV0529 41 Idrovo, Edgar 07CV1627 42 Idrovo, Manuel 07CV0162	4 2 5 3 95 7 28
37 Gualpa, Rosa 07CV4472 38 Guzman, Armando 07CV5556 39 Hernando, Avenia 07CV4473 40 Hurtado, Julio 07CV0529 41 Idrovo, Edgar 07CV1623 42 Idrovo, Manuel 07CV0162 43 Inga, Jorge 07CV0162	2 5 3 95 7
38 Guzman, Armando 07CV5556 39 Hernando, Avenia 07CV4473 40 Hurtado, Julio 07CV0529 41 Idrovo, Edgar 07CV1627 42 Idrovo, Manuel 07CV0162 43 Inga, Jorge 07CV0162	5 3 95 7 28
39 Hernando, Avenia 07CV4473 40 Hurtado, Julio 07CV0529 41 Idrovo, Edgar 07CV1623 42 Idrovo, Manuel 07CV0162 43 Inga, Jorge 07CV0162	3 95 7 28
40       Hurtado, Julio       07CV0529         41       Idrovo, Edgar       07CV1627         42       Idrovo, Manuel       07CV0162         43       Inga, Jorge       07CV0162	95 7 28
41       Idrovo, Edgar       07CV1627         42       Idrovo, Manuel       07CV0162         43       Inga, Jorge       07CV0162	7 28
42 Idrovo, Manuel 07CV0162 43 Inga, Jorge 07CV0162	28
43 Inga, Jorge 07CV0162	
7.17 11.7 "0" 0.7 0.7 0.7 0.7 0.7 0.7 0.7 0.7 0.7 0.7	29
44 Jablonski, Jozef 07CV0163	
45 Jaramillo, Jonas 06CV1474	46
46 Karus, Marian 07CV0163	35
47 Lascano, Ana 05CV9333	
48 Lasica, Andrezej 07CV4480	)
49 Lenis, Carlos 06CV1004	45
50 Leon, Cesar 07CV063	
51 Leon, Ines 07CV448	1
52 Loja, Wilmo 07CV4482	2
53 Lucero, Fernando 07CV0536	56
54 Medina, Rosa 07CV449	1
55 Melendez, Maria 07CV0539	<del>9</del> 7
56 Mendez, Juan 07CV0166	54
57 Merchan, Carlos 07CV0166	55
58 Mora, Eugenio 06CV1316	58
59 Morales, Tatiana 07CV0537	70
50 Moreno, Sandra 07CV167	0
61 Naranjo, Luis 07CV000	
62 Naranjo, Walter 07CV0449	
63 Negrete, Oscar 07CV0537	71
64 O'Connell, Sean 07CV0537	74
65 Palaguachi, Rosa 07CV1680	
66 Reynolds, David 07CV3446	
67 Rhoden, Marcel 07CV0531	
68 Riera, Maximo 07CV1519	
69 Rodas, Patricio 07CV0169	

70	Rojas, Jaime	07CV4511
71	Salazar, Victor	07CV4512
72	Sanchez, Edilberto	07CV05384
73	Sanchez, Rosa	06CV12488
74	Santamaria, Emanuel	07CV1528
75	Sarmiento, Edwin	07CV4515
76	Sarmiento, Galo	07CV1529
77	Serrano, Theresa	05CV8937
78	Siguencia, Raul	07CV1533
79	Suarez, Felipe	07CV1707
80	Samuel Sumba	07CV1710
81	Teham, Nicholas	07CV5564
82	Tenezaca, Julia	07CV1714
83	Teran, Cesareo	07CV05389
84	Thorpe, Jeanne	07CV1715
85	Vasquez, Rommel	07CV1543
86	Vazquez, Kattia	07CV1722
87	Vega, Severo	07CV4521
88	Villarroel, Segundo	07CV1546
89	Villarruel, Kleber (Paredes)	06CV13703
90	Walsh, Kevin	06CV12608
91	Waniurski, Robert	07CV4525
92	Watson, Ancil	07CV05391
93	Wragg, Clarence	06CV8125